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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/375,710	08/17/1999	BRIAN M. UNITT	476-1830	5479

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EXAMINER

WAXMAN, ANDREW

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/375,710

Applicant(s)

UNITT ET AL

Examiner

Andrew M Waxman

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 6, and 15 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brueckheimer et al. (US Patent No. 6,519,261) in view of DeNap et al. (US Patent No. 6,490,273), hereinafter referred to as Brueckheimer and DeNap respectively.

Regarding claims 1 – 6, and 15 - 23, Brueckheimer discloses an ATM multiplexing system that employs AAL functionality (Abstract), where the ATM functions are interfacing with a multiplexing arrangement (FIG. 1), with two data streams separated by voice and data traveling into an ATM interface which includes ATM cell assembly (FIG. 7b) and a priority designated to voice over data because of the time sensitivity issue of real time data (Col. 7 lines 15 – 22) and user's needs being accommodated by the switching equipment (Col. 5 lines 30 – 32). Furthermore, Brueckheimer discloses an AAL-5 compatibility for the voice and data transferring (col. 4 lines 15 – 18 and col. 7 lines 15 – 17), and a packet assembly/deassembly (15) for IP packets to be communicated to the other portions of the data processing to include the voice and data frames (FIG. 1).

Brueckheimer does not disclose transporting the data over a low bandwidth communication path such as a telephone subscriber loop carrying an asymmetric digital subscriber line (ADSL) service. Brueckheimer does not further disclose voice packets being routed within the IP network to one or more PSTN gateways.

DeNap discloses an ATM networking system (FIGs. 3 and 5) with a coupling to a PSTN and a gateway to the PSTN (508), with both data and voice flowing into the ATM interface (210) and an ADSL embodiment for providing the users with the ATM data to their ADSL equipment (col. 20 lines 5 – 12).

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to include the method for the networking system, as disclosed by DeNap, into the invention as disclosed by Brueckheimer.

One of ordinary skill in the art would have been motivated to do this in order to necessarily separate data and multiplexing of ATM traffic to various subscribers thereby presenting the capabilities of ATM voice, data, and video type services to businesses as well as individual consumers by integration and adaptation efforts (background information, col. 1 lines 65 - 67).

Claim Rejections - 35 USC § 103

Claims 7 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brueckheimer in view of DeNap and Bergenwall et al. (US Patent No. 6,463,082), hereinafter referred to as Bergenwall.

Regarding claims 7 – 9, Brueckheimer in view of DeNap discloses all of the limitations as recited above with respect to claim 6.

Brueckheimer in view of DeNap does not expressly disclose a compressed header for a voice packet and an IP packet headed for an IP gateway device in a single VC.

Bergenwall discloses an IP packet (FIG. 1) with a header compression technique used for reducing overhead in a network of IP traffic (col. 6 lines 5 – 8).

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to include the IP packet (FIG. 1) with a header compression technique used for reducing overhead in a network of IP traffic, as disclosed by Bergenwall, into the invention as disclosed by Brueckheimer in view of DeNap.

One of ordinary skill in the art would have been motivated to do this in order to maintain the integrity necessary for voice to travel in real-time across the ATM network VC, in order for

the overhead to be reduced, and for the data to be streamlined efficiently for the real-time functionality required by the inventions.

Response to Arguments

Applicant's arguments with respect to claims 1 – 9, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Andrew M. Waxman


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 09/23/03